



State of Rhode Island and Providence Plantations

State House  
Providence, Rhode Island 02903-1196  
401-222-2080

Donald L. Carcieri

Governor

November 9, 2009

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2009 H 5609, as amended, "An Act Relating to Businesses and Professions."

Section 5-65-14 of the Rhode Island General Laws establishes the membership of the Contractors' Registration and Licensing Board ("Board"). The members of the Board are appointed by the Governor, the Board currently meets within the Department of Administration ("DOA"), and the Board's administrative staff reports to DOA's Division of Capitol Projects. This bill amends R.I. Gen. Laws § 5-65-14(a) by adding a sentence which reads, "[t]he board and staff shall be a permanent division within the Department of Administration."

It is unnecessary for the fifteen (15) member board and its staff to be a statutorily enumerated division within DOA. If this bill were enacted, ambiguity would result because several other sections in Chapter 5-65 continue to refer to a free standing Board, appeals from which are filed with the Superior Court. Because enactment of the bill would infer that Board's decisions need to be administratively approved by the Director of Administration, this ambiguity will cast a procedural cloud over the Board's decisions, such as whether to suspend or revoke the registration of a contractor because of shoddy workmanship.

Management decisions, such as where to administratively locate the Board's staff, should be left in the hands of the Executive Branch. As in this case, legislative interference with management decisions would tie the hands of the managers who are in the best position to operate government in the most efficient manner. Therefore, the General Assembly should refrain from imposing such mandates on Executive Branch operations.

For these reasons, I disapprove of this bill and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri  
Governor